The Equal Rights Amendment Through a Marxist Lens: Legal Reform vs. Economic Liberation

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The Equal Rights Amendment (ERA), first introduced in 1923 and passed by Congress in 1972, was designed to eliminate legal discrimination based on sex by guaranteeing equal rights under the law. While the ERA represents a significant step toward formal gender equality, its focus on legal reform leaves the underlying economic structures of women's oppression unchallenged. Through the lens of Marxist theory, this paper critiques the ERA for addressing legal inequalities without confronting the capitalist systems that perpetuate gender-based exploitation. Karl Marx and Friedrich Engels argued that true liberation requires the abolition of private property, the socialization of domestic labor, and the dismantling of capitalist production that systematically exploits women. Legal reforms like the ERA, while progressive in appearance, risk stabilizing capitalism by offering superficial equality while leaving economic oppression intact. This analysis examines how the ERA reflects a form of bourgeois feminism that primarily benefits privileged women and proposes that genuine gender equality demands a radical restructuring of economic and social relations. Only through revolutionary change can women achieve full economic and social liberation.

Keywords: Equal Rights Amendment, Marxism, gender equality, capitalism, legal reform, economic liberation, feminist theory, class struggle, bourgeois feminism, patriarchy, private property, domestic labor, working-class solidarity, economic exploitation, systemic oppression.

I. Introduction

The Equal Rights Amendment (ERA), first introduced in 1923 and passed by Congress in 1972, was designed to enshrine gender equality into the United States Constitution. Its central provision declares that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." This ambitious amendment seeks to eliminate legal distinctions based on sex, addressing disparities in areas such as employment, education, property rights, and legal protections. Advocates argue that the ERA would strengthen the legal basis for challenging sex-based discrimination, providing a constitutional guarantee for gender equality. However, despite reaching the requisite number of state ratifications in recent years, the ERA remains a subject of controversy due to debates over its expired ratification deadline and its potential implications.

While the ERA focuses on eliminating legal inequality, Marxist theory offers a broader critique of oppression that transcends legal frameworks. Karl Marx and Friedrich Engels posited that societal inequalities are rooted in economic structures, particularly the capitalist mode of production. They argued that class struggle—resulting from the exploitation of the working class (proletariat) by the ruling class (bourgeoisie)—is the fundamental driver of oppression. This analysis extends to gender inequality, which they linked to the rise of private property and patriarchal systems that emerged alongside capitalism. In their view, true liberation requires not just legal reforms but the abolition of capitalism and the establishment of a classless, communal society.

The juxtaposition of these perspectives reveals a critical tension: while the ERA aligns with Marxist goals by challenging legal oppression, it does not address the economic structures that perpetuate gender-based disparities. As Marx and Engels emphasized, legal equality without economic liberation is incomplete and risks reinforcing the capitalist system by masking deeper inequities. This paper argues that the ERA, though a significant step toward formal equality, represents a limited and potentially stabilizing reform that benefits the capitalist order by addressing surface-level injustices without challenging the systemic roots of oppression. By examining the ERA through a Marxist lens, we can better

understand its achievements, limitations, and implications for the broader struggle for gender equality and economic justice.

II. The Marxist Framework on Gender and Oppression

At the core of Marxist theory is the belief that all forms of social oppression, including gender inequality, are deeply rooted in economic structures and the relations of production. Karl Marx and Friedrich Engels argued that the material conditions of society—how wealth is produced and distributed—are the foundation upon which social relations and institutions are built. For Marx and Engels, the oppression of women was not merely a cultural or legal issue but was fundamentally tied to the development of private property, the division of labor, and the rise of class-based society.

1. Women's Oppression Rooted in Property Relations and Capitalist Economics

Marx and Engels viewed the oppression of women as historically intertwined with the emergence of private property and the patriarchal family structure. Before the advent of class society, they argued, early human communities were more egalitarian, with communal ownership of resources and shared responsibilities for survival. However, as societies began to accumulate surplus wealth and property, economic power became concentrated in the hands of men, leading to the subjugation of women.

This transformation was driven by the need to control inheritance and lineage, ensuring that property and wealth could be passed down through male heirs. Women became relegated to domestic labor and childbearing, roles that supported the continuation of family wealth but offered no direct access to economic power. Engels famously described this shift as the "world-historic defeat of the female sex", emphasizing that women's subordination was institutionalized through the family structure, property laws, and economic dependency on men.

Under capitalism, this dynamic was intensified. Women's labor was exploited both in the formal workforce and in the domestic sphere. In factories and workplaces, women were often paid less than men and subjected to exploitative conditions. At home, women performed unpaid labor—childcare, cooking,

cleaning—that was essential for maintaining the labor force but was unrecognized and uncompensated. This dual exploitation of women, both as workers and caregivers, was seen by Marx and Engels as a deliberate outcome of capitalist economic relations designed to maximize profit and maintain male dominance.

2. Analysis of Engels' *The Origin of the Family, Private Property, and the State*

In *The Origin of the Family, Private Property, and the State* (1884), Friedrich Engels expanded on Marxist theory to explain how the family unit and women's oppression evolved alongside changes in economic systems. Engels argued that the patriarchal family arose as a direct consequence of the accumulation of private property. The family became a means for men to control the labor and reproductive capacities of women, securing the transfer of property and wealth to male descendants.

Engels highlighted that the economic dependence of women on men was central to their oppression. He criticized marriage under capitalism as a property relationship, where women were effectively commodified and reduced to the role of reproductive laborers. According to Engels, this structure not only ensured men's dominance within the household but also reinforced broader class hierarchies within society.

This analysis remains relevant in understanding modern gender inequality. While legal reforms have granted women more rights, Engels' critique points to how capitalist economies continue to exploit women through wage disparities, unpaid domestic labor, and industries that profit from commodifying women's bodies. The persistence of gendered divisions of labor and economic dependency reflects the enduring influence of the economic structures Engels described.

3. Legal Equality vs. Economic Liberation in Marxist Thought

A key distinction in Marxist analysis is the difference between legal equality and economic liberation. Marx and Engels acknowledged that legal reforms could offer limited improvements in social conditions, but they maintained that these reforms do not dismantle the underlying systems of economic exploitation.

- **Legal equality** refers to the formal recognition of equal rights under the law—such as the right to vote, own property, or access education. However, Marx and Engels argued that as long as capitalism persists, legal

equality does not translate into actual equality because economic power remains concentrated in the hands of a few.

- **Economic liberation**, on the other hand, involves the complete restructuring of society's economic foundations. For women, this means eradicating the systems that enforce their economic dependency, such as private property, wage exploitation, and unpaid domestic labor. Only through the abolition of capitalism and the establishment of a classless, communal society could women achieve true freedom.

This distinction is critical when analyzing reforms like the Equal Rights Amendment (ERA). From a Marxist perspective, granting women legal equality under the law does not eliminate their economic subjugation. Women may have equal rights on paper, but if they continue to face economic barriers—such as unequal pay, lack of access to affordable childcare, and gendered labor divisions—their oppression persists.

Marx and Engels would likely argue that laws like the ERA offer superficial progress but ultimately leave the capitalist system intact, allowing gender-based exploitation to continue in more subtle forms. Without addressing the economic root causes of inequality, legal equality can become a tool for preserving the very system it claims to reform.

4. The Modern Relevance of the Marxist Framework

Marx and Engels' framework continues to resonate in modern feminist critiques of capitalism. Contemporary issues such as the gender pay gap, the glass ceiling, the lack of recognition for care work, and the disproportionate impact of economic crises on women reflect the structural inequalities Marx and Engels identified. Despite legal gains, women's labor—both paid and unpaid—remains undervalued, and economic systems still prioritize profit over social welfare.

Marxist feminists have expanded on Engels' analysis, emphasizing that capitalism commodifies women's bodies, exploits reproductive labor, and perpetuates gendered violence. The rise of gig economy jobs, the privatization of healthcare, and the global exploitation of women in supply chains illustrate how economic systems continue to rely on and reinforce gender inequality.

By focusing on the economic dimensions of oppression, the Marxist framework reveals why legal reforms, while important, are insufficient on their own. True gender equality requires not just changes to laws but a fundamental transformation of the economic systems that create and sustain inequality.

Conclusion

In Marxist theory, women's oppression is inseparable from the economic structures of society. The rise of private property, the capitalist division of labor, and the patriarchal family all serve to maintain women's economic dependence and social subordination. While legal equality may offer temporary relief, Marx and Engels argued that economic liberation is essential for dismantling systemic oppression. Without a revolutionary restructuring of society's economic foundations, gender equality remains an unattainable ideal. This framework challenges the effectiveness of reforms like the ERA, highlighting the need for deeper systemic change to achieve true liberation for women.

III. The ERA as a Challenge to Legal Inequality

The Equal Rights Amendment (ERA) was designed to address systemic gender discrimination by embedding a constitutional guarantee of legal equality for all citizens, regardless of sex. Its central provision states:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

This straightforward yet powerful language aims to close the gaps in the legal system where women and marginalized genders have historically faced discrimination. The ERA is intended to provide a uniform legal standard that ensures all laws, policies, and government actions are free from sex-based bias. While several federal laws, such as Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, offer protections against gender discrimination, these laws are statutory and can be weakened, repealed, or inconsistently enforced. The ERA would elevate gender equality to a constitutional right, providing a stronger and more permanent safeguard against sex-based discrimination.

1. Eliminating Sex-Based Legal Discrimination

The ERA targets legal inequalities in several key areas where women have historically been disadvantaged:

- **Employment:** Although laws like the Equal Pay Act of 1963 prohibit wage discrimination, women continue to face pay disparities. The ERA would provide a constitutional foundation to challenge wage gaps, discriminatory hiring practices, and workplace harassment.
- **Education:** The ERA could strengthen protections against gender discrimination in educational opportunities, reinforcing and expanding upon the rights granted under Title IX.
- **Reproductive Rights:** Some legal scholars argue that the ERA could bolster protections for reproductive freedom, framing restrictions on abortion and birth control as forms of sex discrimination.
- **Legal Consistency:** Currently, states vary widely in how they address gender equality. The ERA would standardize legal protections, ensuring that no state can enforce discriminatory laws or policies.

By embedding gender equality in the Constitution, the ERA seeks to close loopholes and prevent future laws or policies that might undermine women's rights. It aims to create a legal foundation that treats sex discrimination with the same severity as discrimination based on race, religion, or national origin.

2. Alignment with Marxist Critiques of Patriarchal Legal Systems

From a Marxist perspective, the legal system under capitalism serves to reinforce existing power structures, including patriarchy. Karl Marx and Friedrich Engels argued that legal institutions are not neutral but are designed to protect the interests of the ruling class and uphold systems of oppression. The patriarchal family and the broader legal framework were seen as tools for maintaining women's subordination, ensuring their economic dependency and limiting their participation in public life.

The ERA directly challenges the patriarchal legal structures that have historically marginalized women. For much of American history, laws explicitly limited women's rights to own property, enter contracts, vote, and participate fully in

economic and political life. Even after gaining the right to vote with the 19th Amendment in 1920, women continued to face legal and institutional barriers that perpetuated inequality. The ERA seeks to dismantle these remnants of legalized patriarchy by ensuring that laws cannot discriminate on the basis of sex.

From a Marxist standpoint, the ERA aligns with the critique that legal systems have been complicit in codifying gender inequality. By targeting these legal barriers, the ERA represents a direct challenge to the institutionalized forms of oppression that Marx and Engels identified as part of the capitalist and patriarchal order. However, Marxists would likely see this as addressing only one layer of oppression, leaving the economic system that sustains gender inequality untouched.

3. Acknowledgment of the ERA as a Progressive Reform Within the Legal Framework

The ERA undeniably represents a progressive legal reform aimed at advancing gender equality. It reflects significant progress in recognizing that the law has historically favored men and disadvantaged women. By addressing this imbalance, the ERA contributes to the broader struggle for social justice.

However, the ERA operates within the existing capitalist legal framework, which limits its transformative potential. While it can dismantle explicit legal discrimination, it does not confront the economic structures that Marx and Engels viewed as the root cause of oppression. Women’s legal rights can improve, but if economic exploitation, wage gaps, and gendered labor divisions persist, the ERA's impact will be inherently constrained.

Marxists would likely regard the ERA as a necessary but insufficient reform. It offers formal equality under the law but does not guarantee substantive equality in daily life. Without addressing how capitalism relies on women’s unpaid domestic labor and their exploitation in the workforce, the ERA risks becoming a reform that improves appearances rather than fundamentally altering power dynamics.

4. Limitations in Addressing Intersectional and Economic Inequalities

While the ERA aims to eliminate sex-based legal discrimination, it does not explicitly address how gender inequality intersects with class, race, and economic

status. Women of color, working-class women, and LGBTQ+ individuals face compounded forms of discrimination that are rooted not only in gender but also in economic exploitation and systemic racism.

From a Marxist perspective, true liberation must address these intersecting oppressions. The ERA's focus on legal equality could disproportionately benefit middle- and upper-class women who are more likely to have access to legal resources and professional opportunities. Meanwhile, working-class women may continue to struggle with economic hardships, workplace exploitation, and lack of access to basic resources—issues that legal equality alone cannot solve.

By failing to challenge the capitalist structures that perpetuate economic and social inequalities, the ERA risks reinforcing a form of bourgeois feminism—one that prioritizes legal recognition over structural change. Marxists would argue that reforms like the ERA must be paired with efforts to redistribute wealth, socialize domestic labor, and abolish capitalist exploitation to achieve true gender equality.

5. The ERA's Role in Raising Political Consciousness

Despite its limitations, the ERA has played a role in raising political consciousness about gender inequality. By framing gender equality as a constitutional issue, the ERA has brought attention to the systemic nature of discrimination and inspired generations of activists to demand change.

Marx and Engels recognized that legal reforms, while insufficient on their own, could contribute to heightened class consciousness and lay the groundwork for more radical transformations. In this sense, the ERA could be viewed as a stepping stone toward broader social and economic reforms. It has the potential to expose the limitations of legal equality and push society to confront the economic roots of oppression.

Conclusion

The ERA represents a significant challenge to sex-based legal discrimination, aligning with Marxist critiques of the patriarchal legal system. By seeking to embed gender equality in the U.S. Constitution, the ERA confronts the legal foundations of women's oppression. However, it operates within the existing

capitalist framework, addressing legal inequality without dismantling the economic systems that perpetuate gender-based oppression.

From a Marxist perspective, the ERA is a progressive yet incomplete reform. While it removes formal legal barriers, it does not resolve the deeper economic exploitation of women that arises from capitalism. To achieve true gender equality, legal reforms like the ERA must be accompanied by structural economic changes that dismantle the capitalist systems sustaining oppression.

IV. Marxist Critique of the ERA: Addressing Legal Rights but Not Economic Structures

From a Marxist perspective, the Equal Rights Amendment (ERA) represents a well-intentioned but fundamentally limited reform. While the ERA seeks to guarantee legal equality between men and women, it fails to address the economic structures that are the root cause of women's oppression. Karl Marx and Friedrich Engels argued that social inequality cannot be resolved through legal reforms alone because the true source of oppression lies in the capitalist mode of production. The ERA, by focusing exclusively on legal equality, leaves the underlying capitalist system intact, allowing the economic exploitation of women to persist. This section examines how the ERA overlooks the economic dimensions of gender inequality and disproportionately serves the interests of middle- and upper-class women, embodying what Marxists would critique as bourgeois feminism.

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1. Legal Equality Without Economic Liberation

The ERA aims to eliminate sex-based discrimination in the legal system, but it does not confront the economic foundations of inequality. Marxist theory emphasizes that the legal system is not an impartial tool for justice but a reflection of the dominant economic system. In capitalist societies, laws are designed to protect the interests of the bourgeoisie—the owning class—while maintaining the subordination of the proletariat—the working class.

The ERA operates within this capitalist legal framework, seeking to provide formal equality under the law without challenging the material conditions that sustain gender oppression. For example, ensuring that men and women have equal legal rights in the workplace does not dismantle the structures that allow employers to exploit women's labor through low wages, insecure employment, and gendered divisions of labor.

Marx and Engels would argue that without transforming the relations of production, legal equality is superficial. Women might be guaranteed equal rights on paper, but in practice, their labor continues to be exploited for capitalist profit. In this sense, the ERA serves as a band-aid solution that improves the appearance of equality while leaving the economic engine of oppression untouched.

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2. Persistence of Economic Inequality: Wage Gaps, Unpaid Labor, and Exploitation

Even with existing legal protections against discrimination, women continue to experience profound economic inequality. The ERA does not address several key economic issues that are central to women's oppression in capitalist societies:

a. The Gender Wage Gap

Despite anti-discrimination laws, women consistently earn less than men. According to recent data, women in the United States earn approximately 82 cents for every dollar earned by men, with even wider gaps for women of color. This disparity cannot be fully explained by differences in education or experience; much of it stems from occupational segregation, discrimination, and the undervaluing of work traditionally performed by women.

The ERA could theoretically be used to challenge wage discrimination, but it does not directly confront the capitalist incentives that drive employers to exploit women's labor. Capitalism benefits from maintaining a segmented labor force, where women are disproportionately concentrated in low-wage, part-time, and precarious employment. Without addressing the profit motives that sustain these practices, the ERA cannot close the wage gap.

b. Unpaid Domestic Labor

One of the most enduring forms of gender-based economic exploitation is unpaid domestic labor. Women continue to perform the majority of domestic tasks, including child-rearing, elder care, and housework—labor that is essential for sustaining the workforce but is uncompensated and undervalued.

Marxists argue that capitalism depends on this unpaid labor to reproduce the labor force at no cost to employers. The ERA does not challenge this system or recognize domestic labor as economically valuable. Legal equality in the workplace does not reduce the double burden women face as both wage earners and unpaid caregivers. Without restructuring how society values and compensates domestic labor, the ERA leaves this fundamental economic inequality unaddressed.

c. Economic Exploitation in Global Capitalism

Globally, capitalist systems exploit women through low-wage labor in industries such as textiles, agriculture, and electronics manufacturing. Women in developing countries are often subjected to poor working conditions, long hours, and minimal pay in global supply chains that prioritize corporate profit.

The ERA is confined to the U.S. legal system and does nothing to challenge the global capitalist practices that rely on the exploitation of women's labor in the Global South. From a Marxist perspective, this reflects the amendment's limited scope and its failure to address the global dimensions of women's economic oppression.

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3. The ERA as Bourgeois Feminism

Bourgeois feminism refers to feminist movements that focus on achieving equality within existing capitalist structures, primarily benefiting women of the middle and upper classes. This form of feminism emphasizes legal reforms and access to professional advancement while ignoring the systemic economic oppression faced by working-class women and women of color.

The ERA exemplifies this critique because it prioritizes formal legal equality without addressing economic redistribution or the class-based exploitation that disproportionately harms poor and working-class women. For example:

- **Professional women** in corporate sectors may benefit from the ERA by gaining greater access to promotions and leadership roles.
- **Working-class women**, however, remain trapped in low-wage, unstable jobs with little opportunity for advancement.

By failing to address issues like living wages, affordable childcare, and the socialization of domestic labor, the ERA largely serves women who are already in positions to benefit from legal equality. Marx and Engels would argue that true gender liberation requires dismantling the capitalist system that exploits all workers, rather than making capitalism more inclusive for privileged women.

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4. Reforms as a Means of Stabilizing Capitalism

Marxists are also critical of reforms that improve conditions just enough to pacify social movements without challenging the status quo. The ERA, while progressive in its aims, could function as a stabilizing force for capitalism by creating the illusion of progress. By granting women formal equality, the capitalist system can appear more just and equitable, reducing the pressure for more radical, systemic change.

Historically, Marx and Engels cautioned that incremental reforms often serve to neutralize revolutionary energy. Legal gains can be co-opted to preserve the capitalist system by addressing only the most visible injustices while leaving the deeper economic exploitation intact. The ERA could be viewed through this lens: it offers symbolic victories for women without threatening the profit-driven structures that perpetuate inequality.

Conclusion

From a Marxist perspective, the Equal Rights Amendment is a well-meaning but ultimately inadequate reform. By focusing solely on legal equality, it ignores the

economic structures that sustain gender oppression under capitalism. Issues such as the gender wage gap, unpaid domestic labor, and global exploitation remain unaddressed by the ERA, allowing capitalism to continue profiting from women's economic subjugation.

Moreover, the ERA primarily serves the interests of middle- and upper-class women, reflecting a form of bourgeois feminism that prioritizes legal recognition over economic justice. By improving the legal status of women without dismantling the capitalist system, the ERA risks functioning as a stabilizer that makes capitalism more palatable without addressing its inherent inequalities.

For Marxists, true gender equality cannot be achieved through legal reforms alone. It requires a radical restructuring of the economic system—abolishing private property, redistributing wealth, and socializing domestic labor. Only by confronting the economic roots of oppression can society achieve real and lasting liberation for all women.

V. Legal Reform as a Stabilizer of Capitalism

In Marxist theory, legal reforms within capitalist societies are often seen as mechanisms that can stabilize the system rather than challenge it. Incremental reforms, while appearing to advance social justice, can function as tools to pacify revolutionary movements and preserve capitalist structures. These reforms offer superficial solutions that improve conditions just enough to weaken demands for systemic change. The Equal Rights Amendment (ERA), while addressing legal sex-based discrimination, fits within this critique. By providing the appearance of progress without dismantling the economic structures that perpetuate inequality, the ERA may inadvertently serve to strengthen capitalism rather than challenge it.

This section will explore how incremental legal reforms like the ERA can serve to stabilize capitalist systems, drawing on Marxist theory and historical examples to illustrate how reforms have been used to deflect revolutionary energy and maintain the status quo.

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1. Marxist Theory on Incremental Reforms and the Preservation of Capitalism

Karl Marx and Friedrich Engels argued that capitalism is inherently unstable due to the exploitation of the working class. However, they recognized that capitalist societies often use incremental reforms to alleviate social pressures that could otherwise lead to revolutionary upheaval. These reforms address certain grievances without threatening the profit-driven system at its core.

In this framework, the state acts not as a neutral entity but as a tool of the bourgeoisie—the ruling capitalist class—to maintain control. Legal reforms are often introduced when public pressure threatens the existing order, but these reforms are typically designed to preserve the system rather than transform it. Marx referred to this as the "safety valve" effect: reforms can release just enough social pressure to prevent radical movements from gaining momentum.

The Equal Rights Amendment fits into this pattern. While it promises to eliminate legal sex discrimination, it does not challenge the capitalist economic structures that exploit women's labor. By addressing legal inequalities, the ERA may satisfy demands for gender justice without disrupting the economic mechanisms that continue to oppress women, thus preserving the capitalist system.

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2. The ERA as a Tool for Stabilizing Capitalism

The ERA's focus on legal equality rather than economic transformation makes it susceptible to being co-opted as a tool for stabilizing capitalism. By offering a constitutional guarantee of gender equality, the ERA creates the appearance of progress, which can reduce social unrest and dampen calls for deeper structural change. This serves several stabilizing functions for capitalism:

a. Legitimizing the Capitalist System

By enshrining gender equality in the Constitution, the ERA could make capitalism appear more fair and inclusive, masking the persistent economic inequalities that affect women, especially those in the working class. Legal equality does not translate to equal access to resources, wealth, or opportunities. The structural exploitation of women's labor—through low wages, unpaid domestic work, and gendered labor divisions—remains intact.

b. Dividing Social Movements

The ERA primarily benefits middle- and upper-class women who are positioned to take advantage of legal reforms. Working-class women, women of color, and marginalized groups may not see significant material improvements in their lives. This creates divisions within feminist and labor movements, weakening broader coalitions for economic justice. Divided movements are easier for capitalist systems to manage, reducing the risk of unified revolutionary action.

c. Redirecting Revolutionary Energy

By focusing public attention on the ERA as a solution to gender inequality, the capitalist system can divert energy away from more radical demands for economic redistribution, socialized labor, or structural reforms. Activism becomes concentrated on achieving legal recognition rather than challenging the root causes of inequality.

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3. Historical Examples of Legal Reforms Deflecting Revolutionary Energy

Throughout history, capitalist societies have used legal reforms to absorb and neutralize revolutionary movements. These reforms often address immediate grievances but stop short of altering the underlying economic structures that create oppression. Several examples highlight this dynamic:

a. The New Deal in the United States (1930s)

In response to the Great Depression and rising labor unrest, President Franklin D. Roosevelt introduced the New Deal, a series of reforms that expanded workers' rights, established social safety nets, and regulated financial markets. While these reforms improved conditions for many Americans, they did not dismantle the capitalist system.

By providing economic relief and legal protections, the New Deal effectively pacified radical labor movements and staved off the rise of more revolutionary ideologies, such as socialism and communism. It preserved capitalism by adapting it to the crisis without fundamentally transforming its exploitative nature.

b. British Labor Reforms (19th Century)

During the Industrial Revolution, growing unrest among factory workers led to the passage of labor laws in Britain, such as the Factory Acts and the Ten Hours Act, which regulated child labor and limited working hours.

While these laws improved working conditions, they also served to calm revolutionary demands for more radical change. The British ruling class used these reforms to legitimize industrial capitalism while maintaining economic control over the working class.

c. Civil Rights Legislation in the U.S. (1960s)

The Civil Rights Act of 1964 and the Voting Rights Act of 1965 dismantled legal segregation and extended voting rights to Black Americans. While these were monumental legal achievements, they did not address economic disparities caused by centuries of slavery and segregation.

By focusing on legal equality rather than economic justice, the reforms absorbed some of the revolutionary energy of the Civil Rights Movement, allowing systemic economic inequalities to persist. Economic exploitation of Black communities through housing discrimination, employment barriers, and wealth inequality continued unchallenged.

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4. The ERA in the Context of Bourgeois Feminism

The ERA aligns with what Marxists critique as bourgeois feminism, which seeks to achieve equality within the capitalist system rather than challenging its exploitative nature. Bourgeois feminism focuses on legal reforms and professional advancement for women, primarily benefiting those in privileged economic positions.

By emphasizing legal rights without addressing economic exploitation, the ERA risks reinforcing a system where middle- and upper-class women gain access to corporate leadership roles, while working-class women continue to face wage exploitation and poor working conditions. This selective empowerment can further fragment social movements, weakening the broader fight for economic justice.

Conclusion

From a Marxist perspective, the Equal Rights Amendment exemplifies how legal reforms can be used to stabilize capitalism by offering superficial equality without addressing the underlying structures of exploitation. While the ERA challenges legal discrimination, it does not confront the capitalist systems that profit from women's labor and maintain economic inequality.

Historically, reforms have been used to deflect revolutionary energy, offering concessions that prevent deeper transformations. The ERA risks functioning similarly—providing symbolic victories for gender equality while leaving economic oppression intact. For Marxists, true liberation requires dismantling the capitalist system and restructuring the economy to eliminate all forms of exploitation.

Legal equality without economic justice is insufficient. The fight for women's rights must be part of a broader struggle to overthrow the capitalist structures that perpetuate gender, class, and racial oppression.

VI. Marx and Engels' Alternative Vision for Gender Equality

Karl Marx and Friedrich Engels viewed gender inequality not as an isolated issue but as a consequence of broader economic systems rooted in the ownership of private property and the exploitation inherent in capitalist production. Their solution for achieving true gender equality was not legal reform but the radical restructuring of economic and social relations. This vision involved the abolition of private property, the socialization of domestic labor, and the collective ownership of the means of production. They argued that only through working-class solidarity and revolutionary struggle could women and other marginalized groups achieve full liberation.

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1. Collective Ownership of Property and Socialization of Domestic Labor

At the core of Marx and Engels' theory was the belief that private property is the foundation of both class oppression and gender inequality. In *The Origin of the Family, Private Property, and the State* (1884), Engels argued that the subjugation of women began with the rise of private property and the patriarchal family. As

wealth accumulated in the hands of men, women were relegated to roles that supported the inheritance and control of that property, primarily through unpaid domestic labor and child-rearing.

Marx and Engels proposed the collective ownership of the means of production—factories, land, and resources—as a way to dismantle the economic structures that enforce gender inequality. By eliminating private ownership, society could reorganize labor and wealth distribution, removing the need for a gendered division of labor.

A key component of this vision was the socialization of domestic labor, which would end women's economic dependence on men. This would involve:

- Communal Childcare and Education: The care and education of children would become a collective responsibility, freeing women from being the sole caretakers and enabling them to fully participate in social and economic life.
- Public Kitchens and Collective Housekeeping: Engels envisioned services such as public kitchens, laundries, and housekeeping cooperatives to redistribute domestic tasks traditionally assigned to women.
- Shared Domestic Labor: Domestic work would be valued and shared across society, erasing the division between productive labor (market work) and reproductive labor (home care).

By removing domestic labor from the private sphere and integrating it into the public economy, women would no longer be confined to household roles. This restructuring would enable full economic participation for all genders, eroding the material basis of patriarchal oppression.

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2. The Role of Working-Class Solidarity and Revolutionary Struggle

Marx and Engels saw the liberation of women as inseparable from the liberation of the working class. They argued that capitalist systems exploit both male and female workers, although women face the added burden of gendered oppression. Therefore, women's liberation could only be achieved through solidarity with the broader proletarian struggle against capitalism.

a. Uniting Gender and Class Struggles

For Marx and Engels, the emancipation of women was not a separate issue but part of the class struggle. Women and men of the working class share a common enemy: the capitalist class, which exploits labor for profit. Gender-based oppression divides the working class, weakening its ability to challenge capitalist power.

Marxists argue that capitalism intentionally fosters divisions—such as those between men and women—to prevent unified resistance. Working-class solidarity, therefore, requires recognizing how capitalism exploits both labor and gender, uniting struggles for gender equality and economic justice into a single revolutionary movement.

b. Revolutionary Action Over Legal Reform

Marx and Engels believed that legal reforms were insufficient for dismantling systemic oppression. They argued that the capitalist state serves the interests of the ruling class and cannot be reformed to serve the needs of the proletariat. Only through a revolutionary overthrow of capitalism could both class-based and gender-based exploitation be eradicated.

In this revolutionary process, women would not be passive beneficiaries but active participants in dismantling capitalist and patriarchal systems. Their full participation in revolutionary movements would ensure that the new society addressed the unique forms of oppression that women face.

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3. Abolishing Private Property as the Foundation for Dismantling Patriarchy

Engels identified the emergence of private property as the pivotal moment when women became systematically oppressed. In pre-class societies, property and labor were held collectively, and social organization was more egalitarian. The concentration of wealth into private hands—particularly male hands—created the patriarchal family as an institution to manage inheritance and control women's reproductive labor.

The abolition of private property would eliminate the material basis for this control by:

- Eradicating Economic Dependency: Without private property, women would no longer be economically dependent on men or families for survival. All individuals would have equal access to resources and opportunities.
- Dissolving the Patriarchal Family Structure: The family would no longer serve as an economic unit designed to pass wealth through male heirs. Instead, relationships would be based on mutual respect and equality, free from economic coercion.
- Redistributing Power and Resources: Economic and political power would be collectively owned, preventing the consolidation of wealth and control that sustains patriarchal dominance.

In Marxist theory, this transformation would not only liberate women but dismantle all forms of hierarchical oppression tied to capital, property, and ownership. Without private property, the conditions that require women to perform unpaid reproductive labor would disappear, enabling full gender equality.

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4. The Vision of a Classless, Gender-Equal Society

Marx and Engels envisioned a society where class divisions and gender hierarchies would be abolished together. In this classless society, all individuals would contribute to and benefit from collective labor according to their abilities and needs. Gender would no longer determine access to resources, social roles, or economic opportunities.

Key features of this society would include:

- Economic Democracy: Collective ownership of the means of production ensures that all members of society have equal say in how resources are used and distributed.

- Shared Responsibility: Domestic and productive labor would be shared and valued equally, eliminating the social devaluation of "women's work."
- Freedom in Personal Relationships: With the dissolution of the patriarchal family, personal relationships would be based on free association rather than economic necessity.

This vision goes beyond merely achieving legal equality. It aims to create a society where economic conditions no longer sustain oppression, making both class-based and gender-based inequality impossible.

Conclusion

For Marx and Engels, true gender equality could never be achieved through legal reforms alone. The Equal Rights Amendment and similar legal measures may remove some formal barriers, but they leave the capitalist system—the root of women's economic exploitation—intact.

Their alternative vision calls for the abolition of private property, the collective ownership of resources, and the socialization of domestic labor. These changes would dismantle the material foundations of the patriarchal family and eliminate women's economic dependency on men.

Only through working-class solidarity and revolutionary struggle could society be transformed into one where gender equality is not merely promised by law but is a lived reality. This radical restructuring of economic and social relations offers a more comprehensive path to women's liberation than legal reforms within capitalist systems ever could.

VII. The Role of Women in Revolutionary Movements

Karl Marx and Friedrich Engels recognized that the struggle for women's liberation was inseparable from the broader class struggle. They emphasized the importance of women actively participating in revolutionary movements to dismantle the capitalist system and the patriarchal structures it upholds. For Marx and Engels, women's oppression was not simply a matter of social customs or

legal discrimination but was deeply embedded in the economic relations of production. Therefore, they argued that only through the collective action of the working class—including women—could systemic oppression be abolished.

While reforms like the Equal Rights Amendment (ERA) aim to address legal discrimination, Marxist theory insists that women's full emancipation requires participation in a broader movement that targets the economic foundations of their oppression. The ERA has the potential to politically mobilize women, but without a direct challenge to capitalism, it risks limiting that mobilization to superficial gains. To truly integrate women's rights into the fight against capitalist exploitation, revolutionary movements must adopt comprehensive strategies that confront both gender-based and class-based oppression.

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1. Marx and Engels' Support for Women's Participation in Class Struggle

Marx and Engels strongly supported the active involvement of women in revolutionary movements. They recognized that capitalism not only exploited workers but also used gender divisions to weaken solidarity among the proletariat. Engels, in *The Origin of the Family, Private Property, and the State*, argued that the subjugation of women was the first form of class oppression and that women's liberation was inherently tied to the broader class struggle.

a. Women as Revolutionary Agents

Marx and Engels viewed women not as passive victims of oppression but as essential actors in the revolutionary process. They believed that women must fight alongside men to overthrow the capitalist system that exploited all workers. Involvement in revolutionary movements would empower women to fight against both economic exploitation and patriarchal domination.

b. Gender Division Weakens Class Solidarity

Capitalism thrives by dividing workers along gender, race, and other lines. Marx and Engels argued that gender-based divisions in labor and society weaken the collective strength of the working class. To build a powerful revolutionary movement, women and men must unite against their common oppressor: the capitalist class.

c. Historical Examples of Women in Revolutionary Movements

Throughout history, women have played critical roles in revolutionary struggles. In the Paris Commune of 1871, working-class women actively participated in protests, organized communal kitchens, and fought on the barricades. The Russian Revolution of 1917 was ignited by a massive strike led by women textile workers on International Women's Day, highlighting women's potential to spark revolutionary change.

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2. The ERA's Potential for Political Mobilization and Its Limitations

The Equal Rights Amendment (ERA) holds significant potential to politically mobilize women by raising awareness of gender-based discrimination and encouraging political activism. However, without linking this activism to a broader anti-capitalist agenda, the ERA risks confining women's struggle to the pursuit of legal reforms that leave the capitalist system intact.

a. The ERA as a Catalyst for Awareness

By advocating for constitutional gender equality, the ERA has mobilized millions of women to engage in political activism. This activism has sparked important conversations about workplace discrimination, reproductive rights, and gender-based violence. Such engagement demonstrates the potential for reforms like the ERA to ignite political consciousness.

b. The Risk of Co-optation by Capitalism

Marxists caution that reforms like the ERA can be co-opted by capitalist systems to neutralize more radical demands. By focusing on legal equality rather than economic justice, the ERA may lead women to believe that the achievement of legal rights equates to liberation. This belief can divert attention from deeper systemic issues, allowing capitalism to continue exploiting women economically while appearing progressive.

c. The Need for Expansion Beyond Legal Equality

To move beyond legal reforms, women must channel the momentum of the ERA into movements that challenge the economic foundations of their oppression.

Legal equality must be accompanied by demands for economic redistribution, socialized domestic labor, and the abolition of capitalist exploitation. Without this expansion, the ERA's impact will remain limited to surface-level changes.

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3. Strategies for Integrating Women's Rights into the Larger Fight Against Capitalist Exploitation

To achieve genuine liberation, women's rights must be fully integrated into the struggle against capitalism. This requires comprehensive strategies that address both gender-specific oppression and class exploitation. Revolutionary movements must prioritize the economic liberation of women alongside broader socialist goals.

a. Uniting Gender and Class Struggles

Revolutionary movements must reject the separation of women's rights from class struggle. Feminist movements must explicitly confront the capitalist system that profits from women's exploitation. Likewise, labor movements must incorporate gender-specific issues, such as equal pay, paid family leave, and the socialization of domestic labor.

By uniting these struggles, movements can fight for policies that benefit all workers, including:

- Universal childcare and paid parental leave to redistribute reproductive labor.
- Equal pay for equal work and protections against workplace harassment.
- Accessible healthcare and reproductive rights for all women.

b. Building Working-Class Solidarity Across Gender Lines

Revolutionary movements must combat the divisions capitalism fosters between men and women in the working class. This requires addressing sexism within labor movements and ensuring that women have equal leadership roles in organizing efforts. Men in the working class must recognize that patriarchy not only harms women but also weakens collective resistance to capitalism.

c. Centering the Needs of Marginalized Women

Movements must prioritize the voices and needs of working-class women, women of color, and marginalized communities. Legal reforms often benefit middle- and upper-class women while leaving poor and marginalized women behind. A revolutionary approach must confront the intersectionality of oppression and fight for comprehensive economic and social reforms.

d. Revolutionary Education and Consciousness-Raising

Education is a vital tool for integrating women's rights into anti-capitalist movements. Revolutionary movements must engage in political education to expose the connections between capitalism and patriarchy. Consciousness-raising campaigns can reveal how economic systems exploit women through unpaid labor, wage discrimination, and global supply chains.

e. Direct Action and Labor Organizing

Women must be at the forefront of labor organizing, strikes, and direct action. This includes organizing women in traditionally feminized industries, such as care work, service industries, and education, sectors where exploitation is rampant. Mass mobilization and worker solidarity can challenge both capitalist exploitation and gender oppression simultaneously.

Conclusion

Marx and Engels recognized that women's liberation is fundamentally tied to the class struggle. They understood that women must play an active role in revolutionary movements to dismantle the economic and social structures that uphold both capitalism and patriarchy. While the Equal Rights Amendment (ERA) has mobilized women to demand legal equality, it risks stabilizing capitalism if it is not expanded into a broader fight against economic exploitation.

To achieve true gender equality, revolutionary movements must integrate women's rights into the larger struggle for economic justice and social transformation. This means uniting class and gender struggles, prioritizing the needs of marginalized women, and dismantling the capitalist systems that profit from women's oppression. Only through working-class solidarity and

revolutionary struggle can society overcome the intertwined forces of capitalism and patriarchy, paving the way for a future where all individuals are truly free.

VIII. Conclusion

The Equal Rights Amendment (ERA) stands as a significant yet ultimately limited reform in the struggle for gender equality. While its promise to eliminate sex-based legal discrimination marks important progress within the legal framework, it fails to confront the economic foundations of women's oppression that are deeply embedded in the capitalist system. By focusing exclusively on formal legal equality, the ERA risks offering only superficial solutions to complex, systemic issues, leaving the core mechanisms of economic exploitation and gendered labor divisions intact. This limitation aligns with Marxist critiques that legal reforms, while potentially beneficial, are insufficient to dismantle the structural forces that sustain inequality.

Karl Marx and Friedrich Engels argued that genuine and lasting gender equality cannot be achieved through legal changes alone. In their view, the oppression of women is fundamentally tied to the rise of private property, the patriarchal family structure, and the capitalist mode of production, all of which reinforce economic dependency and social subjugation. For Marx and Engels, the path to true liberation lies in the abolition of capitalism and the establishment of a classless, communal society. Such a transformation would involve the collective ownership of the means of production and the socialization of domestic labor, eradicating the material conditions that have historically bound women to subordinate roles. Only through this comprehensive economic and social restructuring can gender equality move beyond symbolic gestures and become a tangible reality.

The ERA, despite its progressive intent, does not address these critical economic dimensions. It does not challenge the capitalist system that profits from wage disparities, the unpaid labor of women in the domestic sphere, or the global exploitation of women's labor in low-wage industries. As a result, the ERA risks functioning as a stabilizing mechanism for capitalism—offering incremental improvements that pacify demands for deeper, systemic change without threatening the foundations of economic oppression. This dynamic reflects what Marxists identify as bourgeois feminism, which focuses on achieving equality

within existing capitalist structures rather than dismantling those structures altogether.

Given these limitations, it is imperative to reexamine feminist reforms like the ERA through a Marxist lens. This perspective exposes the inadequacy of legal reforms in addressing the root causes of gender oppression and emphasizes the need for a radical economic transformation alongside legal progress. Feminist movements must broaden their focus beyond legal equality to confront the ways in which capitalism systematically exploits and marginalizes women. This includes fighting for the redistribution of wealth, the socialization of domestic labor, and the collective ownership of resources, ensuring that the economic systems enabling oppression are dismantled.

Moreover, integrating women's rights into the broader anti-capitalist struggle requires building solidarity across class, race, and gender lines. Revolutionary movements must prioritize the economic liberation of all women, especially those in the working class and other marginalized communities, whose struggles are often sidelined in mainstream feminist discourse. Women must be active participants and leaders in revolutionary movements, working alongside men to overthrow the capitalist structures that oppress them both.

In conclusion, while the ERA represents a step toward legal gender equality, it falls far short of the comprehensive change needed to achieve true liberation. As Marx and Engels argued, only through the abolition of capitalism and the creation of a classless, communal society can the conditions that perpetuate gender oppression be eradicated. Feminist movements must therefore shift their focus from limited legal reforms to the broader fight for economic and social transformation. Only then can society realize a future where gender equality is not merely a constitutional promise but a lived and enduring reality for all.

IX. References

Primary Marxist Texts

Marx, K., & Engels, F. (1848). *The Communist Manifesto.*

- A foundational text outlining the principles of Marxism, emphasizing the role of class struggle in societal change. Marx and Engels critique capitalist exploitation and argue for the abolition of private property as essential to ending all forms of oppression, including that of women.

Engels, F. (1884). *The Origin of the Family, Private Property, and the State.*

- In this work, Engels explores the historical roots of women's oppression, linking it to the emergence of private property and patriarchal family structures. He argues that women's liberation is inseparable from the abolition of capitalism and the collective ownership of production.

Marx, K. (1875). *Critique of the Gotha Program.*

- Marx critiques reformist approaches to socialism, highlighting the limitations of incremental reforms within capitalist systems. His analysis emphasizes the need for revolutionary change to achieve true social and economic equality, applicable to the critique of legal reforms like the ERA.

Secondary Sources

Brenner, J. (2000). *Women and the Politics of Class.*

- Brenner offers a Marxist feminist analysis of how capitalism and patriarchy intersect to oppress women, critiquing reforms that fail to address economic inequality. The work examines how working-class women are uniquely impacted by capitalist exploitation.

Eisenstein, Z. (1981). *The Radical Future of Liberal Feminism.*

- This book critiques liberal feminism's focus on legal reforms and individual rights, arguing that such approaches fail to address the economic structures that sustain women's oppression. Eisenstein's analysis parallels critiques of the ERA as limited within a capitalist framework.

Federici, S. (2004). *Caliban and the Witch: Women, the Body and Primitive Accumulation.*

- Federici examines the historical relationship between capitalism and the subjugation of women, particularly through unpaid domestic labor. Her work reinforces Marxist arguments that women's oppression is rooted in capitalist economic systems.

Hartmann, H. (1979). "The Unhappy Marriage of Marxism and Feminism: Towards a More Progressive Union." *Capital & Class,* 3(2), 1-33.

- Hartmann critiques the traditional Marxist neglect of patriarchy as an independent system of oppression and argues for an integrated approach that combines the analysis of capitalism and patriarchy. This critique is relevant to discussions on how reforms like the ERA must address both class and gender.

MacKinnon, C. A. (1989). *Toward a Feminist Theory of the State.*

- MacKinnon critiques the liberal legal system for perpetuating male dominance, highlighting how laws often reinforce systemic inequalities. This perspective underscores the Marxist critique of the ERA's reliance on legal equality without economic reform.

Smith, S. (2013). *Marxism, Feminism, and Women's Liberation.*

- Smith provides an overview of Marxist feminist thought and the necessity of overthrowing capitalism to achieve women's liberation. The work critiques reformist strategies and emphasizes the importance of revolutionary change.

Tong, R. (2008). *Feminist Thought: A More Comprehensive Introduction.*

- Tong offers an overview of different feminist theories, including Marxist feminism, liberal feminism, and radical feminism. This text contextualizes how Marxist critiques of reforms like the ERA fit within broader feminist discourse.

Vogel, L. (2013). *Marxism and the Oppression of Women: Toward a Unitary Theory.*

- Vogel extends Marxist theory to analyze the systemic roots of women's oppression in capitalist economies. She emphasizes the role of reproductive labor and critiques legal reforms that fail to address economic exploitation.

Legal and Feminist Analyses of the ERA

Brown, W. (1995). *States of Injury: Power and Freedom in Late Modernity.*

- Brown critiques how liberal legal reforms can depoliticize radical movements by offering superficial freedoms while leaving structural inequalities intact. This analysis is relevant to how the ERA may pacify demands for deeper change.

MacKinnon, C. A. (2006). *Are Women Human? And Other International Dialogues.*

- MacKinnon examines how legal systems globally fail to protect women, critiquing the idea that legal equality alone can achieve substantive gender justice.

Mansbridge, J. J. (1986). *Why We Lost the ERA.*

- This work explores the political struggles behind the ERA's failure to be ratified, offering insights into how legal reforms are shaped by political and economic interests.

Schneider, E. M. (1986). "The Dialectic of Rights and Politics: Perspectives from the Women's Movement." *New York University Law Review,* 61(4), 589–652.

- Schneider examines how legal rights can both empower and limit social movements, offering a critical perspective on the ERA's effectiveness within capitalist legal systems.

Contemporary Analyses of Bourgeois Feminism

Fraser, N. (2013). *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis.*

- Fraser critiques how feminism has been co-opted by neoliberal capitalism, turning feminist goals into market-friendly reforms. This work aligns with Marxist critiques of reforms like the ERA as serving bourgeois interests.

Rottenberg, C. (2018). *The Rise of Neoliberal Feminism.*

- Rottenberg analyzes how contemporary feminism often aligns with capitalist values, promoting individual empowerment while ignoring systemic inequality. This critique mirrors concerns about the ERA primarily benefiting privileged women.

Arruzza, C., Bhattacharya, T., & Fraser, N. (2019). *Feminism for the 99%: A Manifesto.*

- This manifesto calls for a feminism that serves the vast majority of women, not just the privileged elite. It critiques legal and market-based reforms as insufficient and advocates for anti-capitalist strategies for women's liberation.

These primary and secondary sources provide a comprehensive foundation for understanding the Marxist critique of the Equal Rights Amendment (ERA) and its limitations. They support the argument that while legal reforms may offer partial relief from gender discrimination, they cannot achieve true gender equality without addressing the economic structures that sustain capitalist exploitation and patriarchal oppression.